

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 23, 2004 PLANNING COMMISSION MEETING

This is a revised Staff Report

P.A.S.: Special Permit #04025
Liberty Village CUP

PROPOSAL: 16-unit, single-family detached residential development with
waivers.

LOCATION: 24th and Vine Streets

WAIVER REQUEST:

1. Preliminary plat process.
2. Front yard setback.
3. Side yard setback.
4. Driveway depth.
5. Perimeter landscape screening.
6. Storm water detention.
7. Minimum lot area.
8. Average lot width.
9. Recreation facilities.
10. Open space.
11. Required utility easement width.

LAND AREA: 0.83 acre, more or less, as is.
0.97 acre, more or less, after proposed rights-of-way transfer.
1.53 acres, more or less, measured to centerline of abutting streets.

CONCLUSION: This project proposes a development of small single-family homes on small lots. This results in fewer total units than would otherwise be allowed under the current zoning, the opportunity to increase home ownership opportunities in this area, and design controls that exceed the minimum requirements of the Neighborhood Design Standards. However, the trade-off in this case is waiving and reducing many requirements of the zoning and subdivision ordinances.

<u>RECOMMENDATION:</u>	Conditional Approval
Waivers:	
1. Eliminate the preliminary plat process	Approval
2. Front yard setback	Approval
3. Side yard setback	Approval

4.	Driveway depth	Not Applicable
5.	Perimeter landscape screening	Not Applicable
6.	Storm water detention	Approval
7.	Minimum lot area	Approval
8.	Average lot width	Approval
9.	Recreation facilities	Approval
10.	Open space	Approval
11.	Utility easement width	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 4 and 5, Block 3, Hawley's Addition; Lots A, B, and C, Kelly's Subdivision; the W 20' of existing S. 24th Street right-of-way and the N 15' of existing U Street right-of-way adjacent thereto, located in the SE 1/4 of Section 24 T10N R6E, Lancaster County, Nebraska.

EXISTING ZONING: R-6 Residential

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Single-family and multiple-family dwellings	R-6 Residential
South:	Single-family and multiple-family dwellings	R-6 Residential
East:	Multiple-family dwellings	R-6 Residential
West:	Multiple-family dwellings	R-6 Residential

ASSOCIATED APPLICATIONS: Street and Alley Vacation #03017

HISTORY:

May 1979 The 1979 zoning update changed this property from D Multiple Dwelling to R-6 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

Guiding Principles for the Urban Environment - Overall Form

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F 17)

Guiding Principles for the Urban Environment - Residential Neighborhoods

Home ownership is the foundation upon which successful neighborhoods and communities are built. Citizens should be able to afford to buy a safe and decent home. The plan should recognize the impact of policies and programs on community housing costs. (F 18)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. (F 18)

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F 18)

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. (F 18)

Guiding Principles for the Urban Environment - Transportation

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F 18)

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. (F 19)

Overall Guiding Principles - Residential

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community. (F 65)

A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family "starter" home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. (F 65)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F 66)

Guiding Principles for Existing Neighborhoods

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. (F 69)

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses. (F 69)

Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial centers. (F 69)

Strategies for New and Existing Urban Neighborhoods

The key to both new and existing urban neighborhoods is diversity...For existing neighborhoods, the diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes older neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods. Infill development also needs to respect the street pattern, block sizes and development standards of the area, such as having parking at the rear and front porches, windows and doors on the front street side. The diversity of land uses, including commercial and congregate living facilities is important to the diversity of an area, provided they fit within the character of the block and neighborhood. (F 71)

Single family homes, in particular, add opportunities for owner-occupants in older neighborhoods and should be preserved. The rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers. (F 72)

Strategies for Existing Residential Areas

In existing neighborhoods adjacent to the Downtown, retain existing predominately single family blocks in order to maintain the mix of housing types. The current mix within each neighborhood provides ample housing choices. These existing neighborhoods have significantly greater populations and residential densities than the rest of the community. Significant intensification could be detrimental to the neighborhoods and be beyond infrastructure capacities. (F 73)

Encourage a variety of housing types in the Downtown and Antelope valley area. (F 73)

UTILITIES: Applicant's letter states utilities will be public, however, the drawings indicate sanitary sewer will be private. In either case, the depth of the sanitary sewer will not allow the basements proposed for some units. If the sewer is private, it cannot be constructed within the required 30' water main easement. If the sewer is to be public, a shared 40' easement is required for the water and sewer mains together. Site limitations may require additional waivers not yet requested.

TRAFFIC ANALYSIS: The Comprehensive Plan identifies Vine Street as a Minor Arterial both now and in the future. (E49, F103) Vine Street is identified for improvement to a four lane plus turn lane cross section (F109), and the project is already underway. The site plan shows approximately 3 feet of right-of-way dedicated to the City for Vine Street, however, the correct right-of-way dedication along this block face is approximately 3.5 to 4.5 feet.

The site plan for this project shows rear access for each unit, with two parking spaces provided per unit. The spaces are provided in either a two garage stall or one garage stall and one outdoor stall configuration. The depth from the garage to the main driveway is 10'. This raises concerns over the location and proximity of guest parking, especially since Vine Street does not provide on-street parking. Since the driveway does not connect to 23rd Street, it should be noted trash collection, snow removal, moving and other maintenance type vehicles will need to back out the entire length of the driveway. Also, due to the proposed setback reductions, Lot 9 does not meet intersection sight distance requirements.

AESTHETIC CONSIDERATIONS: The site plan proposes 16 single-family detached units on narrow lots with minimal yard setbacks. Given the closeness of these single-family units to one another, multiple facade designs should be alternated to discourage a monotonous block face. Exterior building materials should also be alternated.

ALTERNATIVE USES: Under R-6 Residential zoning, this site, exclusive of any right-of-way transfers, could support up to 32 multiple-family units, provided parking requirements could also be met. Alternatively, each of the five existing lots could be developed with single-, two- or multiple-family dwellings or townhouses based upon each lot's total area. If the plan were changed to show single-family attached dwelling instead, the open space between buildings would be increased from 8 feet to 10 feet, and the front yard setback to 24th Street would increase from 1 foot to 27 feet, even with the proposed new right-of-way after vacating part of 24th Street. This would result in the side yard setbacks and the front yard setback to 24th Street meeting requirements.

ENVIRONMENTAL CONCERNS:

The proposed grading plan does not match existing grades on the west end creating drainage problems for the westernmost units. Also, the profile for the driveway creates a low point at the western end, but provides no outlet for storm drainage.

ANALYSIS:

1. This is a request for a Community Unit Plan for 16 single-family detached units. Ten waivers have been requested, including preliminary plat process, front and side yard setbacks, driveway depth, perimeter landscape screening, storm water detention, minimum lot area, average lot width, recreation facilities, and open space.
2. This project is supported by the Urban Development Department as a key residential redevelopment project, consistent with and furthering their goals of providing affordable housing and fitting in with the character of the neighborhood. Urban Development indicates "this project is consistent with the Antelope Valley community revitalization goals of providing alternative housing choices and attractive, higher density housing."
3. However, the redevelopment agreement with the Urban Development Department contemplated the redevelopment of this entire block. Here, the City is asked to review and approve only a portion of the entire anticipated development. Planning Staff suggests review of this proposal would be more beneficial if it included the entire block.
4. Under the existing R-6 zoning, the maximum density for this parcel would be achieved as an apartment, which allows 1 unit per 1,100 square feet. Assuming the proposed transfer of rights-of-way is approved, this site will cover 0.966 acres, or approximately 42,000 square feet, resulting in 38 units. The maximum density of a CUP is 48.4

dwelling units per acre, resulting in a maximum density of 46 units. Due to its small size, however, a required 20% reduction in units would reduce the CUP potential to 36 units.

5. Planning Staff does not support the request to waive the preliminary plat process until such time as Applicant has submitted all information required to conform to those regulations not waived. However, Planning Staff would recommend approval to the waiver if Applicant does not object to providing all requested information.
6. The front yard setback waiver changes the front yard setback from 20 feet to 5 feet along "U" Street, 10 feet along Vine Street, and 1 foot along 24th Street. However, the site plan indicates there will still be approximately 20 feet between the dwellings and the curb line along "U" and Vine Streets, and 15 feet along 24th Street. The standard separation between the dwelling and curb line in R-6 is 42 feet, including a 25 foot front yard setback and 17 feet of right-of-way for sidewalk, utilities, and street trees.
7. The side yard setback is changed from 5 feet to 4 feet in most cases, with the westernmost units having a 7 foot setback in the west side yard. The zoning ordinance allows eaves to project 2 feet into a side yard, resulting in eaves only 4 feet apart. This separation still appears to meet building code requirements.
8. The rear yard setback is measured to the center of the driveway, and is shown as 17 feet, which exceeds the required setback of 14.8 feet. Although this would appear to offer some flexibility for increased front yards by decreasing the rear yard, the garages are only 10 feet off of the driveway, and the driveway is 14 feet wide. Reducing the rear yards to gain additional front yard setback would further congest the driveway area, and impact the easements for water and sewer.
9. The pattern of streets and orientation of buildings is varied throughout this area. Many of the surrounding homes appear to respect the generous right-of-way width and required setbacks. However, the blocks along Vine Street are particularly difficult due to their unique north/south dimension of less than 200 feet versus the more typical depth of 300 feet.
10. Applicant requested a waiver to the required depth of a driveway between a garage door and private driveway. The Public Works Department states this waiver is unnecessary in this case because the zoning ordinance only requires a 10 foot separation from the garage door to an alley.
11. Applicant requested a waiver to perimeter landscape screening for community unit plans. These landscape standards apply to CUPs that include multiple-family units. Since this CUP is entirely single-family, these standards do not apply.

12. The Public Works Department would support the waiver to storm water detention, stating that because this redevelopment project is similar in use to its surroundings, and is of a significantly small area, the benefits from providing detention would be negligible. However, until drainage problems identified on the proposed drainage plan are resolved, deferral to this waiver is recommended.
13. The waiver to minimum lot area reduces the area from 4,000 square feet to 2,200 square feet. The lots fronting "U" Street contain approximately 2,200 square feet, while the lots fronting Vine Street contain approximately 2,700 square feet. Planning Staff suggests this site plan could work better and would require less significant departures from regulations if it included the additional land to the west. The lot area in many of the neighboring blocks exceeds 5,200 square feet.
14. The waiver to lot width reduces the width from 50 feet to 30 feet, however, the building footprints are reduced significantly as well. Planning Staff suggests this site plan could work better and would require less significant departures from regulations if it included the additional land to the west.
15. The waiver to recreational facilities and open space are based on the proximity of existing public parks and proposed future public open space in the Antelope Valley project to this proposed development. The closest existing public parks are Trago, at 22nd and "U" Streets, Lintel at 21st and Holdrege Streets, and McWilliams at 25th and "T" Streets. However, this may change in the future as Antelope Valley redevelopment activities impact the location of existing park facilities.
16. The waiver requests for front yard setback, side yard setback, minimum lot area, average lot width, recreation facilities, and open space are all necessary in order for the developer to complete the project as proposed. However, some of these waivers may be unnecessary if the rest of the block were included in the proposal.
17. The waiver request to utility easement width is requested in order to accommodate the narrowness of this block and the proposed layout of the units. This waiver is acceptable provided Applicant maintains 10 feet of separation between the water and sewer mains.
18. Applicant's submittal indicates some units will have full basements while others will not. However, the depth of the sanitary sewer will not allow basements for any units, unless injector pumps are used.
19. The Public Works Department states a private sanitary sewer line must be located outside of the 30' public water main easement. However, if the sewer is public, it may

be located within a shared 40' sewer and water easement, with 10' between the sewer and water mains, and 15' between each utility line and proposed structures. The solution to these concerns may include additional waivers that will need to be advertised.

20. The Public Works Department notes there must be 15 feet of separation between the water main and any structure, or the water main must be installed in an encasement pipe approved by the Water Department.
21. The proposed grading does not appear to match the existing grades on the west boundary of the development. The proposed grades are shown to be approximately two feet lower than the existing grades, which will cause drainage problems for the westernmost units. Also, the proposed profile for the main driveway shows a low point at the western end with no outlet for storm drainage. The grading needs to be revised to match existing grades and provide adequate storm drainage for the development. One option would be to obtain an off-site drainage easement across the property to the west and drain storm water to 23rd Street.
22. The Public Works Department points out the private driveway off of 24th Street is not a public alley. Therefore, maintenance and snow removal costs will be the responsibility of the developer or a homeowner's association. Also, since the driveway does not connect to 23rd Street at this time, trash collection, snow removal, moving and other maintenance type vehicles must back out the entire length of the driveway. Again, an option may be to obtain an off-site easement for a turnaround across the property to the west.
23. The 3' right-of-way dedication along Vine Street does not appear to be accurate. The approved street project shows 40' right-of-way from the Vine Street centerline, which would equate to approximately 3.5' to 4.5' of dedication along this block. The plans should be revised to show the correct right-of-way dedication.
24. A sidewalk connection from 24th Street to Vine Street must be shown on the site plan. The grading plan also needs to be revised to show the sidewalk connection. Also, the relocated sidewalks in "U" Street and 24th Street must be shown in the standard location of 3' from the new property line after the proposed right-of-way vacations.
25. Due to the proposed setback waivers, Lot 9 as proposed does not meet intersection sight distance requirements, and must be redesigned.
26. LES has requested easements.

27. The Parks and recreation Department has requested the revision of several tree species.
28. Due to the small scale and size of this development, architectural design will play an even more important role than usual. Applicant has offered several renderings of different facades and exterior treatments. These should be incorporated into the special permit. There should also be a condition stating no two adjacent units share the same or substantially similar facade design or exterior building material treatment. This proposal is located in an older, established part of town. It will be important for this development to respect and reflect the existing character of the neighborhood.
29. Applicant has also requested the vacation of rights-of-way along the "U" and 24th Streets frontages (see Staff Report for SAV #03017). The area gained from the vacation of those rights-of-way is essential to this project as proposed. Approval of this special permit should be conditioned upon the vacation of those rights-of-way.
30. The Comprehensive Plan speaks in many cases to increased diversity of housing choices, increased opportunity for owner-occupied housing, and increased opportunity for affordable housing. This project strives to meet these substantial goals on a small site, and as a result, requests many waivers. However, these goals should be met following standards established in the zoning and subdivision ordinances.
31. Applicant has indicated he is in the process of acquiring the adjacent land to the west, and intends to bring that property into the boundary of the CUP. Planning Staff recommends deferral of this application until such time as the entire block is brought within this project, and submitted for review.
32. Should the Planning Commission choose to recommend other than deferral, Planning Staff recommends approval to all waivers except preliminary plat process, unless Applicant provides all information required by a preliminary plat, and approval based upon the following conditions.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to:
 - 1.1.1 Show the correct right-of-way dedication along Vine Street.

- 1.1.2 Show a sidewalk connection from “U” Street to “Vine Street” along 24th Street.
- 1.1.3 Revise the setbacks on Lot 9 to conform to intersection sight distance requirements.
- 1.1.4 Show all required LES easements.
- 1.1.5 Add a note stating architectural design elements shall be substantially similar to those included in the Neighborhood Design Standards and the Liberty Village project proposal. Such architectural design elements may be changed through an administrative amendment approved by the Planning Director.
- 1.1.6 Add a note stating no two adjacent structures on the same block face can have the identical architectural design or exterior building material treatments.
- 1.1.7 Add a note and revise the drawing to show a common access easement for all lots within the 34 foot area between building envelopes, and a public access easement over the driveway. The private access easement may be released at such time as the property to the west of the CUP is incorporated into the CUP.
- 1.2 Revise the utility plan to the satisfaction of the Public Works Department.
- 1.3 Revise the grading plan to the satisfaction of the Public Works Department.
- 1.4 Revise the landscape plan to the satisfaction of the Parks and Recreation Department.
- 1.5 Street and Alley Vacation #03017 must be approved by City Council.
- 1.6 Applicant must sign a subdivision agreement agreeing:
 - 1.6.1 to complete the reconstruction of the turnaround in 24th Street shown on the final plat within two (2) years following the approval of the final plat.
 - 1.6.2 to complete the installation of sidewalks along the north side of “U” Street and the west side of 24th Street as shown on the final plat within four (4) years following the approval of the final plat.

- 1.6.3 to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- 1.6.4 to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- 1.6.5 to complete the planting of the street trees along the north side of "U" Street and the west side of 24th Street within this plat within four (4) years following the approval of the final plat.
- 1.6.6 to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 1.6.7 to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- 1.6.8 to complete the public and private improvements shown on the Community Unit Plan.
- 1.6.9 to retain ownership of or the right of entry to the easements in order to maintain the easements and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 1.6.10 to submit to the lot buyers and home builders a copy of the soil analysis.
- 1.6.11 to pay all design, engineering, labor, material, inspection, and other improvement costs of the City.
- 1.6.12 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

- 1.6.13 to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
 - 1.6.14 to relinquish the right of direct vehicular access from all lots along Vine Street to Vine Street.
 - 1.6.15 to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.
 - 1.6.16 to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.
2. This approval permits 16 single-family detached dwelling units and waivers to the preliminary plat process, front yard setback, side yard setback, storm water detention, minimum lot area, average lot width, recreational facilities, open space, and utility easement width.
3. The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

General:

4. Before receiving building permits:
 - 4.1 The permittee shall have submitted a revised final plan including 8 copies and the plans are acceptable.
 - 4.2 The construction plans shall comply with the approved plans.

4.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:

- 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us

Date: June 28, 2004

**Applicant
and
Owner:** Brighton Construction Company
938 North 70th Street, Suite 108
Lincoln, NE 68505
434.2456

CONTACT: Brian D. Carstens & Associates
Brian Carstens
601 Old Cheney Road, Suite C
Lincoln, NE 68512
434.2424



Special Permit #04025

2002 aerial

S. 24th & J St

Libery Village CUP

Zoning:

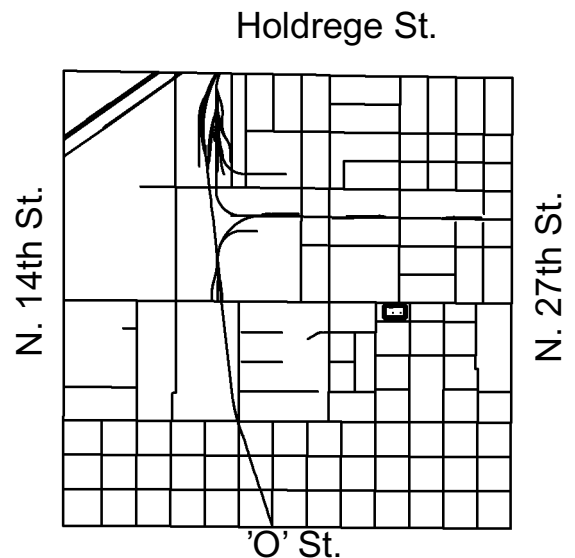
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 24 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction

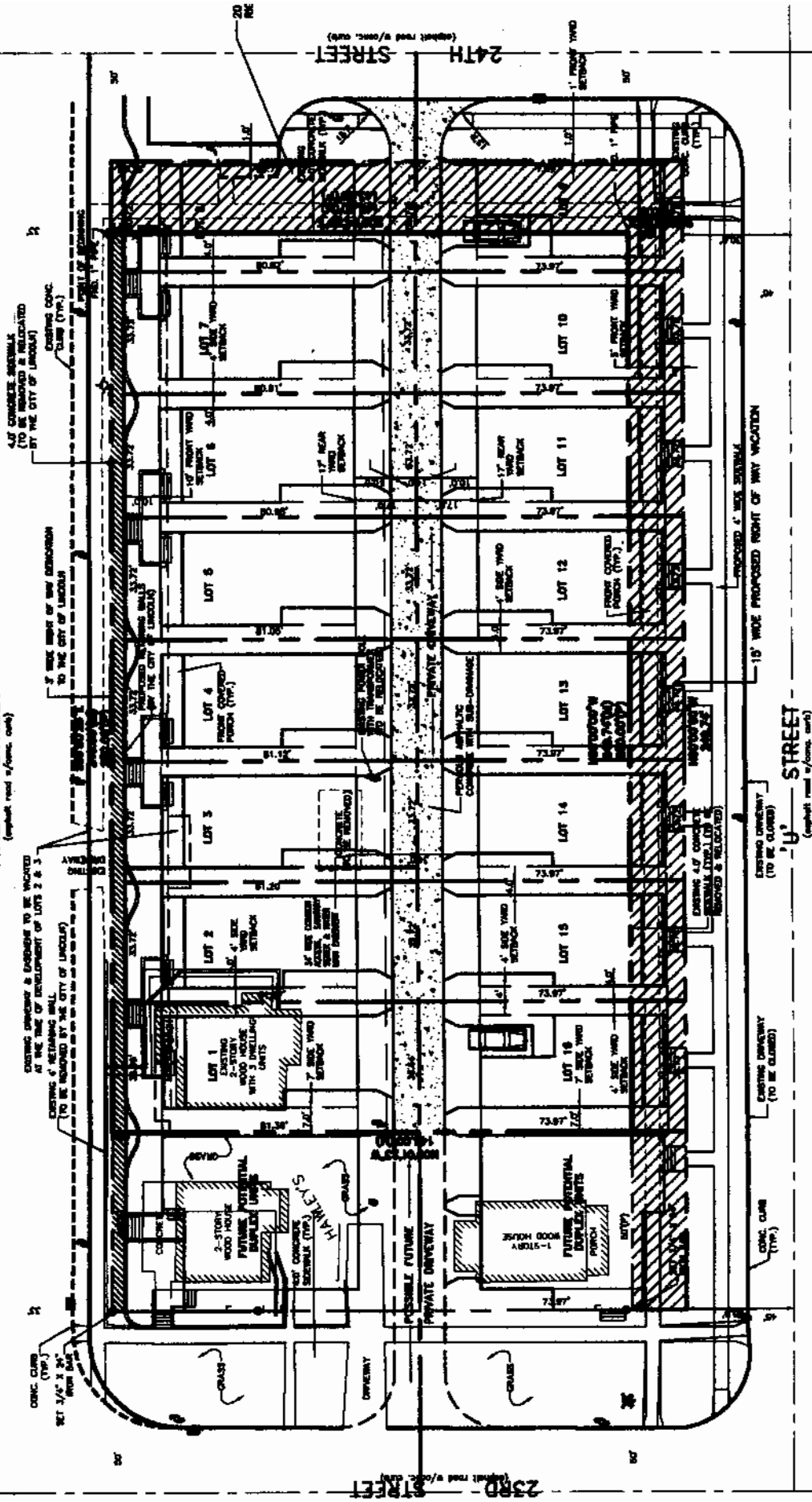


Lincoln City - Lancaster County Planning Dept.

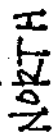


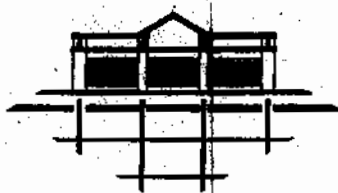
NORTH

VINE STREET
(existing road w/cons. curb)



SITE PLAN





BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

801 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 29, 2004

Mr. Marvin Krout
Planning Director
City of Lincoln / Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: Liberty Village: COMMUNITY UNIT PLAN/ SPECIAL PERMIT

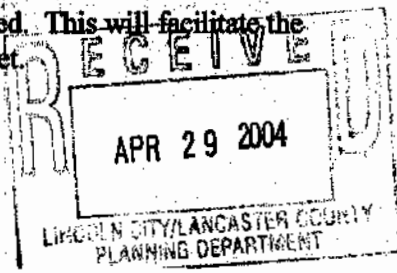
On behalf of Brighton Construction Company, Inc. (Brighton), we submit the following Special Permit for your review. Liberty Village consists of 16, single-family homes, all of which take access to a private driveway that will be maintained by a homeowners association. The water and sewer will be public. Each two-story home is approximately 1,600 square feet with off street parking and a two-stall, rear access garage. All homes will be affordable and designed to complement neighborhood architecture.

Bounded by Vine Street on the north, "U" Street to the south and 24th Street to the east, this one-acre property is the largest, vacant tract of residential land in Antelope Valley. It has been designated as a targeted development in the Antelope Valley Redevelopment Plan.

Although the area's high-density R-6 zoning would allow Brighton to erect a 40-unit apartment building, the owners have chosen to construct 16 detached, single-family homes to comply with the neighborhood's desire for increased ownership and reduced density. This presents a unique opportunity to encourage architecturally appropriate homes in a redevelopment area. Homes that respect the historic quality of Antelope Valley and its multicultural demographic.

Liberty Village has the support of the Urban Development Department of the City of Lincoln, which has agreed providing down payment assistance to qualified buyers through Neighborhoods Inc. The Nebraska Investment Finance Authority has also approved Super Target 2.9-percent financing for qualified buyers. In exchange, Brighton has agreed to limit sales of homes to owner occupants. The development will be controlled by a redevelopment agreement drafted by Urban Development and includes architectural supervision through city agents. The project booklet submitted provides complete details of this development, letters of support and architectural exhibits.

As part of this project, we are requesting the vacation of the west 20 feet of North 24th Street and the north 15 feet of 'U' Street right of way be vacated. This will facilitate the trading of land between the City and Brighton along Vine Street.



We are requesting the following waivers to the subdivision and zoning ordinance:

1. Waiver of the Preliminary Plat procedures, as this project is a C.U.P/ Special Permit
2. Waiver of the required front yard setback from 20 feet to 10 feet along Vine Street, from 20 feet to 1 foot along North 24th Street and from 20 feet to 6 feet along 'U' Street, as this is a redevelopment project, where flexibility needs to be incorporated into zoning regulations to assist in the redevelopment package.
3. Waiver of the required side yard setback from 5 feet to 4 feet. This reduction will still meet required distances between the homes as per the Building Code.
4. Waiver of driveway depth from 20 feet to 10 feet. As you are exiting the garages, you will still be able to see oncoming traffic in the alley, as the required site distance would allow 8 feet from the garages to the alley.
5. Waiver of the required landscape screening around the perimeter of the C.U.P/ Special Permit, as screening this project from the streets would not be compatible with other single family residences in the neighborhood.
6. Waiver of storm water/ detention requirements, as this is an infill project that already has adjacent city storm sewer.
7. Waiver of the minimum lot area from 4,000 square feet to 2,200 square feet, as this is an infill project with unique site conditions.
8. Waiver of average lot width from 50 feet to 30 feet, similar to other single family residences in the neighborhood.
9. Waiver of recreational facilities, as there are recreational opportunities near this site, as well as the proposed Antelope Creek/ Valley improvements.
10. Waiver of open space requirements in the R-6 district, as this is a single family infill area near existing parks and the proposed Antelope Creek/ Valley improvements.

We are excited to be the first public/ private residential redevelopment project in Antelope Valley. Please feel free to contact myself or Fernando Pages of Brighton Construction Company, Inc. if you have any further questions.

Sincerely,



Brian D. Carstens

cc. Fernando Pages- Brighton Construction Company, Inc
Mark Hunzeker
Wynn Hjermstead- Urban Development

